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EXECUTIVE COMMITTEE OF THE PROGRAMME OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES

Forty-third session

SUMMARY RECORD OF THE 479th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 October 1992, at 10 a.m.

Chairman: Mr. LANUS (Argentina)

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The meeting was called to order at 10.45 a.m.

REVIEW OF UNHCR PROGRAMMES FINANCED BY VOLUNTARY FUNDS IN 1991-1992; ADOPTION OF THE 1993 GENERAL PROGRAMMES AND BUDGET (agenda item 5 (a)) (continued) (A/AC.96/793)

1. Mr. SAFAEE (Iran), referring to the exchange of views he had had with the observer for Iraq at the 478th meeting, said that there were hundreds of thousands of Iraqi refugees in Iran, most of whom had Iraqi identity cards. UNHCR had access to those refugees, who benefited from assistance programmes. That was a fact about which there was no doubt, contrary to what the observer for Iraq had said.

CONSIDERATION OF THE PROVISIONAL AGENDA OF THE FORTY-FOURTH SESSION OF THE EXECUTIVE COMMITTEE (agenda item 6) (A/AC.96/XLIII/CRP.1)

2. The CHAIRMAN said that the draft agenda of the forty-fourth session of the Executive Committee was contained in document A/AC.96/XLIII/CRP.1.

3. The draft agenda of the forty-fourth session of the Executive Committee was adopted.

ANY OTHER BUSINESS (agenda item 7):

OBSERVER GOVERNMENT PARTICIPATION IN THE WORK OF THE SUB-COMMITTEES AND THE INFORMAL MEETINGS OF THE EXECUTIVE COMMITTEE IN 1993 (A/AC.96/XLIII/CRP.2)

4. The CHAIRMAN said that the Executive Committee had decided in 1988 that observers could take part in the work of the Sub-Committees and the informal meetings of the Executive Committee if they so requested at a meeting of the Executive Committee. On the basis of the requests received, the Secretariat had thus issued document A/AC.96/XLIII/CRP.2, which contained a list of States which had made such requests. Costa Rica, El Salvador, Myanmar and Zimbabwe should be added to the list. If he heard no objection, he would take it that the countries listed and the four other countries he had just named would be able to take part in the work of the Sub-Committees and the informal meetings of the Executive Committee in 1993.

5. It was so decided.

ADOPTION OF THE DRAFT REPORT OF THE FORTY-THIRD SESSION (agenda item 8) (A/AC.96/XLIII/CRP.3)

6. Mr. GUBARTALLA (Sudan), Rapporteur, said that document A/AC.96/XLIII/CRP.3, which contained the draft report of the forty-third session of the Executive Committee, was the result of long hours of work and collaboration by the friends of the Rapporteur, who had displayed a spirit of cooperation and dedication and made constructive proposals. That laboriously drafted report now deserved to be adopted.

7. Mrs. RUESTA de FURTER (Venezuela) said she realized that a great deal of work had gone into the draft report, but she was surprised that the section on refugee women was contained in chapter III.H.3., nearly at the end, although

the question had been discussed at length in the Sub-Committee of the Whole on International Protection. That question should, rather, be dealt with in chapter III.A.2. following the general conclusion on international protection. The subsequent sections would be renumbered accordingly.

8. Mr. GUBARTALLA (Sudan), Rapporteur, said that, during the drafting of the report, there had been no objection to the suggestion that the question of refugee women should be dealt with in chapter III.H.3.

9. Mrs. GALVIS (Colombia) said she thought that there was a good reason for the request by the representative of Venezuela: the question of refugee women had been discussed in the Sub-Committee of the Whole on International Protection and referring to it in the place proposed by the representative of Venezuela would simply reflect reality.

10. Mrs. DRADI (Italy) said that the question of refugee women had been discussed by both of the Sub-Committees of the Executive Committee. She proposed that the decisions on refugee women and refugee children should be included in a new section H of chapter III of the report, with the rest of the present section H becoming section I.

11. Mrs. RUESTA de FURTER said that she could agree to that solution in a spirit of compromise, but, at the next session, she would like that question to be reflected in the report of the work of the Sub-Committee of the Whole on International Protection.

12. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee agreed to the suggestion that the decision on refugee women and that on refugee children should be included in a separate section H of chapter III which would come between the conclusion on the former Yugoslavia and the decisions on programme, administrative and financial matters.

13. It was so decided.

14. Mr. KHOURY (Syrian Arab Republic) said that, in paragraph 21 (h), it was proposed that the Executive Committee should express "concern about the lack of adequate international protection for various groups of refugees in different parts of the world, including a large number of Palestinians ...". In his view, no such distinction should be made between Palestinians: they were one and the same people and must be protected on the basis of international law. The foreign aggression and occupation to which that people was being subjected were among the causes of the emigration to which reference was being made: that should be the starting point.

15. Mr. LUONG (Observer for Viet Nam) noted that, in paragraph 26 (e), it was stated that the Executive Committee "Looks forward to the convening of future meetings of the Steering Committee of the Comprehensive Plan of Action ...". That wording in English reflected the Executive Committee's views and a better translation in French should therefore be found.

16. The CHAIRMAN assured the observer for Viet Nam that the French translation would be improved to take account of his comment.

17. Mr. IBRAHIM (Sudan) said that he would like the penultimate line of paragraph 25 (b) of the conclusion on the refugee situation in Africa to refer to "the affected populations of Africa".

18. The CHAIRMAN assured the representative of the Sudan that the text would be amended accordingly.

19. Mr. KASTBERG (Sweden) said that, during the preparation of the draft report, it had been agreed that, in paragraph 21 (p), the words "in the areas which are" and the comma before the words "as appropriate" should be deleted and that, in paragraph 28 (d), the word "complement" should be replaced by a comma and the word "and" after the words "in the region" should be deleted.

20. Mr. PANG Sen (China) recalled that paragraph 28 related to the International Conference on Central American Refugees, which had been organized mainly by Governments and international organizations. It would therefore be more logical if paragraph 28 (d) referred first to Governments and international organizations and then to non-governmental organizations. The phrase in question would thus read: ... "to ensure that the efforts of Governments and international organizations, as well as the activities of NGOs, in the region are ...".

21. Mr. GUBARTALLA (Sudan), Rapporteur, said that it had been agreed that the changes indicated by the representative of Sweden should be made. He also had no objection to the amendments proposed by the representatives of China and the Sudan. During the drafting of paragraph 21 (q), it had been questioned whether reference should be made to the Secretary-General of the United Nations, a point of law which had just been confirmed by the UNHCR secretariat. The paragraph should therefore read: "... on the basis of specific requests from the Secretary-General and the competent principal organs ...".

22. Mr. JURY (United States of America) said he found that that wording implied that the Secretary-General was not authorized to make specific requests without the approval of the competent organs, but that was not the case. The paragraph should therefore read: "... specific requests from the Secretary-General or ...".

23. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee adopted the amendments proposed by the representatives of Sweden (para. 21 (p); para. 28 (d)), China (para. 28 (d)) and the Sudan (para. 25 (b)), as well as the correction indicated by the Rapporteur (para. 21 (q)), as amended by the representative of the United States.

24. It was so decided.

25. Mr. WINGA (Observer for Malawi) said that the conclusion on the refugee situation in Africa (para. 25) should refer to the fact that agreement had recently been reached on the peace accord between the Government of Mozambique and RENAMO and invite the High Commissioner to facilitate the voluntary repatriation and reintegration of Mozambican refugees.

26. The CHAIRMAN said that the representatives of States which had observer status, such as Malawi, did not have the right to propose amendments. That right was enjoyed only by the delegations of the member States of the Executive Committee.

27. Mrs. MREMA (United Republic of Tanzania) said that she agreed with the very pertinent comment by Mr. Winga. She therefore proposed that the following new subparagraph (i) should be added to paragraph 25:

> "(i) Notes with deep appreciation the recent agreement on the peace accord between the Mozambican Government and RENAMO and calls upon the High Commissioner to promote and facilitate the voluntary repatriation and reintegration of the Mozambican refugees back into their society".

28. Mr. JURY (United States of America) said that he could agree to that proposal if the words "when appropriate, consistent with the principle of return in safety and dignity", were added after the words "voluntary repatriation".

29. Mr. ITHETE (Namibia) said that he supported the Tanzanian proposal, as amended by the representative of the United States.

30. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee adopted the Tanzanian proposal (para. 25), as amended by the representative of the United States.

31. It was so decided.

32. Mr. UKAWA (Japan), drawing the Executive Committee's attention to paragraph 31 (b), which referred to the High Commissioner's appointment of an Environmental Coordinator, said that the Coordinator's mandate did not specifically say: "as well as for undertaking further study of the impact on the environment caused by the presence of large numbers of refugees", a study which the countries concerned no longer needed at the present time. He therefore proposed that those words should be replaced by the words "with particular attention to the impact on the environment caused by the presence of large numbers of refugees ...".

33. The CHAIRMAN said it was true that the mandate in question did not refer to such a study. If he heard no objection, he would take it that the Executive Committee adopted the proposal by Japan (para. 31 (b)).

34. It was so decided.

35. Mrs. GALVIS (Colombia) said that she would formulate reservations to some paragraphs of the general conclusion on international protection after the draft report had been adopted by the Executive Committee.

36. The CHAIRMAN said that, if he heard no objection, he would take it that the Executive Committee adopted the draft report of the forty-third session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees, as a whole, as amended.

37. Document A/AC.96/XLIII/CRP.3, as a whole, as amended, was adopted.

38. Mrs. GALVIS (Colombia) said that, for the sake of consensus and discipline, her country had agreed to the report which had just been adopted, although it was still concerned about some parts, especially chapter III.A (General conclusion on international protection) and, in particular, paragraph 21 (p), (q) and (s). UNHCR's mandate seemed very elastic and therefore likely to be exceeded. While it was important for UNHCR to focus on prevention and finding durable solutions, that focus was still being discussed by the member States and, in 1991, the Working Group on International Protection had concluded that UNHCR's mandate could not be extended to categories such as persons who had become refugees as a result of natural disasters, internally displaced persons, stateless persons and economic refugees.

39. In paragraph 21 (s), it would have been better to delete the words "from the outset of a refugee problem" or to make it clear that, although voluntary repatriation was indeed the best solution, UNHCR's main task was, from the outset of a refugee problem, to give the refugees international protection and not to try to repatriate them. Those were her country's reservations.

40. Mrs. RUESTA de FURTER (Venezuela) proposed that, at the Executive Committee's next session, the Rapporteur and his friends should be given the table of contents of the Executive Committee's draft report, as prepared by the secretariat, so that they might have a better idea of the Committee's priorities.

CLOSURE OF THE SESSION (agenda item 9)

41. Mr. ROHDIN (Sweden) said that his first impression of the current session of the Executive Committee was that, in a rapidly changing world, UNHCR was working with determination to find new solutions in order to respond more adequately to the needs of millions of refugees, as could be seen from the efforts being made by the High Commissioner and by the integration in UNHCR programmes of concerns for refugee women and children. Practical preventive approaches across borders were being implemented in order to improve UNHCR's immediate-response capacity to refugee problems, thereby avoiding the uprooting of many persons. The mutual effects of environmental deterioration and refugee flows would continue to be taken into account and the concern to give refugees a life of dignity after emergency relief had been provided had also been placed on the agenda.

42. His second impression was that the Executive Committee had not tried to evade its responsibilities and that it was quite dynamic. The decisions that had been taken would require a number of inter-sessional meetings during the year, since the management of UNHCR had become an ongoing process covering a broad range of issues and new situations. As a matter of priority, it had been decided that flexible funding mechanisms had to be found so that new needs that would arise in 1993 could be met in an effective manner.

43. His third impression was that, as a result of the current session, it could be concluded that UNHCR had a determined, dynamic and forward-looking leadership and a devoted staff, six members of whom had lost their lives in the course of their duties in 1992.

44. What had been achieved was not a point of arrival, but a new point of departure. The spirit of partnership between Government representatives, NGOs and the staff of UNHCR held out hope for continued improvements. No one knew what would happen in 1993, but UNHCR had to be ready for any eventuality. It could count on Sweden's strong support.

45. Mr. ABRAM (United States of America), paying a personal tribute to Mrs. Ogata, said that the world today, with modern means of communication and a population of nearly 6 billion, was dramatically different from the world in 1951, when the population had been only 2.5 billion and there had been 2 million refugees, as compared with 17 million now. During that time, the nature and reasons for migration had become more difficult to discern: they might include individual persecution, political instability, human rights violations, civil wars, poverty, overpopulation, environmental degradation or natural disasters. Human beings were such that the more they learned about the other side of the mountain, the greener the grass seemed.

46. Refugees often had mixed motives for their flight. The machinery established by the 1951 Convention was therefore expected to cope with mass influxes of people who individually might not have a well-founded fear of persecution on account of their race, religion or membership of a particular social or political group, as stated in the 1951 Convention definition.

47. Some countries with histories of welcoming immigrants were now resisting migrations and a few had even closed their borders. They were wary of granting asylum to one person when his entire village might follow. No country wanted to face the thorny question of deportation. The motives and rationales of countries that closed their doors were nearly as complex as those of the ones that were knocking.

48. Mixed-motive migration demanded innovative and integrated responses. In her Note on International Protection, Mrs. Ogata had acknowledged the complexity of those problems and taken the first steps towards solving them. UNHCR's commendable efforts in the later stages of refugee flows were a further example of the type of inter-agency coordination that was needed. In the Yugoslav crisis, for example, UNHCR had worked closely with ICRC and UNPROFOR.

49. Other responses, such as UNHCR's call for temporary protection for refugees from the former Yugoslavia, reflected the flexibility that was required in order to respond to the complex needs of some groups.

50. As Mr. Boutros Boutros-Ghali had pointed out, there was a dynamic link between peacemaking, peace-keeping and humanitarian assistance. The establishment of the Office of Humanitarian Affairs in New York was a step towards inter-agency cooperation during the prevention-to-relief-to-development spectrum of assistance. An inter-agency plan designed to operate in mixed-motive circumstances of flight could look at the root causes of

flight, hold the persecutors accountable, help resettle refugees who could not return home and provide assistance to rebuild institutions and homes once the crisis was over. Of course, whatever was done must, in the final analysis, be within the competence and political possibilities of the member States.

51. The measures taken to deal with today's crises would set a precedent for the crises of tomorrow. UNHCR must therefore be able to adapt to increasingly complex developments.

52. Mrs. OGATA (United Nations High Commissioner for Refugees) said she had listened with great interest to everything that had been said at the current session, particularly in the last two statements. She was very grateful to the Executive Committee for its firm support for UNHCR's activities and welcomed the large number of delegations, which included many host countries, some taking part for the first time. She also welcomed the increasingly larger number of donors and expressed appreciation to sister organizations for their constructive cooperation. UNHCR was being called upon to play a front-line role in humanitarian crises and needed everyone's help more than ever.

53. The staff of UNHCR was increasingly being called upon to work in conditions of insecurity and anarchy, which would, in the past, have made it give up. She therefore paid a tribute once again to the courage and dedication of the staff.

54. Increased responsibility also meant greater scrutiny. UNHCR therefore had to improve as it innovated in order to deal with new situations. That had been the reason for the submission of the Note on International Protection and she welcomed the way in which that document had been received. She had taken note of the constructive comments made by a number of delegations on improvements in programme implementation and management capacity. That was a vitally important area.

55. The forty-third session of the Executive Committee had been very successful, thanks to the cooperation of all. The real work was done in the field, but the Executive Committee's support would strengthen the morale of UNHCR's staff and its ability to meet new challenges.

56. The CHAIRMAN, welcoming the confidence that the observers and the members of the Executive Committee had shown in Mrs. Ogata, said that the world now faced new and unpredictable situations that were creating considerable problems for UNHCR, both logistically and legally and politically. In the past few years, population displacements had been increasing.

57. The three most important fronts on which UNHCR had to fight were Afghanistan, which had over 5 million refugees, the former Yugoslavia, where over 2.7 million persons were affected by the war and winter was likely to cause many victims, and Mozambique, which 2 million inhabitants had already left and which had 4 million displaced persons. There was no doubt that world public opinion must be made more aware of that situation. In conclusion, he invited delegations never to forget that UNHCR had the specific task of providing assistance to persons in the most dreadful conditions possible.

58. He declared closed the forty-third session of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

The meeting rose at 12.25 p.m.